



## Government Contracting

Our clients who provide products and services to governments must contend with ever-changing procurement rules and regulations. Many opportunities are open to them but they are accompanied by legal consequences for everyone involved.

The global financial crisis has placed intense pressure on governments to tackle major budget deficits and debt burdens. As a result, competition for contracts is fierce, bid costs are high and the financial terms imposed on contractors are demanding. International procurement regimes bring their own challenges for non-compliance for both contractors and government customers.

To help our clients meet these challenges, our government contracting practice has grown to become one of the largest of its kind in the world. Unlike many others, we act for both governments and global contractors on their contracting and procurement requirements.

We provide tailored advice and legal services on virtually every aspect of government contracting and public procurement, from bid strategy through to potential challenge. These services include: preparation of strategic alliance agreements and teaming arrangements; bid protests and challenges; and contract administration and claims. Our lawyers also litigate contract disputes and claims involving contractors.

- IT procurement: The UK government turned to us for advice on the world's largest civil information technology procurement
- IP: When two federal contractors went to court in a dispute between them, we were called by the defense to testify as an expert witness on its intellectual property. The US jury found in favor of the defense on all nine counts, including all government contract IP issues.
- Data protection: We advised a global aviation company on the data security and protection survey of data protection requirements in public contracts covering 40 countries
- PPP: We advised a global defense company on a public-private partnership with the UK's Ministry of Defense to modernize their search and rescue helicopter program
- Procurement: A Canadian pharmaceuticals company needed help dealing with various aspects of European Union procurement law. We helped it prepare and submit a vaccines tender to the UK Purchasing and Supply Authority.
- Defense: We advised the Australian Defense Force on the US\$3 billion Amphibious Ships

### KEY CONTACTS

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### RELATED SERVICES

- Corporate
- Employment
- Finance
- Intellectual Property and Technology
- International Trade, Regulatory and Government Affairs
- Litigation, Arbitration and Investigations
- Pensions and Reward
- Projects, Energy and Infrastructure
- Real Estate
- Restructuring
- Tax

### RELATED SECTORS

- Technology
- Energy and Natural

- FCPA: Our lawyers represented a global defense contractor facing an FCPA subpoena concerning allegations of improper payments in Africa over six years. The US government dropped all charges.

## INSIGHTS

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### Publications

#### **Coronavirus: Several state and local governments issue “shelter in place” orders (United States)**

23 March 2020

Between March 17 and 22, state and local governments have promulgated at least a dozen “Stay-at-Home” / “Shelter-at-Home”-type Orders. This alert provides details on a number of state and local government orders.

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#### **Coronavirus: executive summary - key highlights from Washington (March 19, 2020) (United States)**

19 March 2020

Key highlights for March 19, 2020.

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#### **Coronavirus: federal and state tax relief (United States)**

16 March 2020

Congress and state legislatures and administrative agencies are working hard to provide necessary tax relief for those affected by the coronavirus disease (COVID-19) pandemic.

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#### **Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)**

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer’s unique circumstances.

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#### **Coronavirus COVID-19 and corporate governance (Australia)**

18 February 2020

The coronavirus COVID-19 outbreak and ensuing government restrictions raise corporate governance concerns and create areas of risk across the ESG spectrum that should be considered by companies and their directors and officers.

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#### **Coronavirus COVID-19: The legal impact on force majeure events (Australia)**

12 February 2020

Key considerations for parties that may wish to declare a force majeure event or dispute the declaration of a force majeure event by a counterparty in relation to coronavirus COVID-19.

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## **An update on the impact of the coronavirus on business in Singapore**

12 February 2020

Due to the evolving 2019 novel coronavirus (the “**2019-nCoV**”) situation, the Ministry of Health (the “**MOH**”) and the Ministry of Manpower (the “**MOM**”) have issued several advisories which employers will need to be aware of. Employers and employees should ensure that they work together to comply with the various obligations and advisories given the various penalties that may be imposed. Additionally, it is recommended that both employers and employees regularly check the MOM and the MOH websites for the latest updates and advisories and to adopt the recommended measures proposed therein.

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## **EU Policy & Regulatory Alert**

3 February 2020

On 29 January 2020, the new European Commission has adopted its 2020 annual Work Programme, announcing 43 new concrete policy and legislative measures to be introduced over the course of the year of 2020, and thereby translating into practice the Political Guidelines of new European Commission President Ursula von der Leyen.

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## **Iran nuclear deal: the launch of the ‘Dispute Resolution Mechanism’ and the ‘potential snapback’ of UN and EU sanctions**

17 January 2020

This week, France, Germany and Britain have triggered the Dispute Resolution Mechanism against Iran under the Joint Comprehensive Plan of Action (JCPOA). Will this process lead to the re-imposition of UN and EU sanctions on Iran?

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## **Commerce imposes export licensing requirement on geospatial imagery software**

8 January 2020

Companies that produce, design, test, manufacture, fabricate, or develop a software described in the new controls may now be operating within the category of "critical technologies" as defined in CFIUS regulations.

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## **EU launches preparatory work for a global sanctions regime for human rights violations**

17 December 2019

On 9 December 2019, High Representative/Vice-President of the European Union Josep Borrell announced that the Foreign Affairs Council has agreed with strong consensus to start the preparatory work for a global sanctions regime to address serious human rights violations.

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## **Congressional hearing to focus on facial recognition and national security**

12 December 2019

### **AI OUTLOOK**

Technologies controlled by foreign governments and their implications for privacy and national security are expected to be a major topic.

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## **New European Commission Assumed Office on 1 December 2019**

2 December 2019

The new leadership of the European Commission has officially assumed office yesterday, Sunday, 1 December 2019, for a five-year term. The newly assembled College of Commissioners obtained a comfortable majority in an approval vote in the European Parliament plenary session on Wednesday, 27 November 2019.

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## **Trump issues Executive Order on securing information and communications technology and services – key points**

16 MAY 2019

The order is issued pursuant to the National Emergencies Act and the International Emergency Economic Powers Act, the latter creating potential civil and criminal liability for those violating EOs and regulations issued under its authority - liabilities that can expand to include those who facilitate a violation.

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## **EU Policy & Regulatory Alert - EU Publishes Artificial Intelligence Ethics Guidelines**

12 APR 2019

On 8 April 2019, the EU's High-Level Expert Group ("AI HLEG") on Artificial Intelligence ("AI") published the much-anticipated "Ethics Guidelines for Trustworthy AI", setting out a horizontal framework for the development and deployment of ethical and robust AI systems across the EU

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## **EU Policy & Regulatory Update: First Designations under EU's Chemical Weapons Sanctions Regime**

24 JAN 2019

On 21 January 2019, the Council of the European Union (EU) adopted Decision (CFSP) 2019/86 amending Decision (CFSP) 2018/1544 concerning restrictive measures against the proliferation and use of chemical weapons, listing nine individuals and one entity under the EU's Chemical Weapons Sanctions regime.

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## **EU Policy & Regulatory Update - EU Adds Three Iranian Persons to EU Terrorist List**

14 JAN 2019

On 8 January 2019, the Council of the European Union (EU) adopted Decision (CFSP) 2019/25 amending and updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP.

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## **EU Impact: Monthly update on the latest EU policy and regulatory developments, issue 11**

5 DEC 2018

Edition 11 of our monthly update on the latest EU policy and regulatory developments

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## **EU Policy & Regulatory Alert: New Regulation on Foreign Direct Investment Screening in the EU**

22 NOV 2018

The European Union is moving fast towards establishing a joint regulatory and policy framework for Europeans to seize the opportunities provided by Artificial Intelligence (AI) and to reinforce Europe's competitiveness in this field.

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## **EU Impact - Issue 10**

31 OCT 2018

Edition 10 of our monthly update on latest EU Policy and regulatory developments.

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## **EU Impact: Monthly update on the latest EU policy and regulatory developments, Issue 9**

2 OCT 2018

Edition 9 of our monthly update on the latest EU policy and regulatory developments.

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## **State of the Union - Takeaways for International Business**

14 SEP 2018

In his final State of the Union address on 12 September 2018, European Commission President Jean-Claude Juncker took stock of the work delivered during his Presidency, and provided an outlook on the challenges and initiatives ahead.

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## **EU Impact - Issue 8**

31 AUG 2018

Edition 8 of our monthly update on latest EU Policy and regulatory developments.

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## **The Ukrainian defense industry — challenges and proposals for reform**

16 AUG 2018

Considering serious national security challenges, the reform of Ukrainian defense industry is a top priority.

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## **First Round of US Sanctions Reintroduced and EU Blocking Statute Updated**

7 AUG 2018

US President Donald Trump announced on 8 May 2018 his decision to withdraw from the Joint Comprehensive Plan of Action (JCPOA), commonly known as the "Iran Nuclear Deal", reached in Vienna on 14 July 2015. The US provided 90- and 180-day wind-down periods before the US nuclear-related secondary sanctions would be reintroduced.

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## **EU Impact - Issue 7**

31 JUL 2018

Edition 7 of our monthly update on the latest EU Policy and Regulatory developments.

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## **EU Policy and Regulatory update: EU extends sectoral sanctions against Russia**

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20 JUL 2018

On 5 July 2018, the Council of the European Union (EU) adopted Council Decision (CFSP) 2018/964 extending the economic sanctions that target the financial, energy and defence sectors, as well as the area of dual-use goods of the Russian economy (the so-called "sectoral sanctions"). The sectoral sanctions, which were due to end on 31 July 2018, will therefore remain in place until at least 31 January 2019.

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## **EU Impact - Issue 6**

4 JUL 2018

Edition 6 of our monthly update on the latest EU Policy and Regulatory developments.

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## **EU Impact - Issue 5**

5 JUN 2018

Edition 5 of our monthly update on the latest EU policy and regulatory developments.

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## **EU Policy and Regulatory update: EU Legislation to Block US Extraterritorial Sanctions against Iran**

21 MAY 2018

On 18 May 2018, the European Commission has launched the process to "activate" EU Council Regulation No 2271/96 (EU Blocking Statute) and to expand the scope of the EU Blocking Statute to include the US sanctions against Iran.

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## **Is collaborative working improving in operational PPPs?**

16 MAR 2018

An in-depth look at some of the key questions facing the PPP market, with direct input from those at the coalface of the industry.

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## **The Dutch move to terminate intra-EU BITs following the Achmea decision**

10 MAY 2018

The Netherlands has announced that it will seek to terminate its bilateral investment treaties (BITs) with Slovakia and other EU member states. The Dutch government's decision is an important step following the much anticipated ruling issued in March 2018 by the Court of Justice of the European Union (CJEU) in Achmea v Slovakia.

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## **EU Impact - Issue 4**

30 APR 2018

Edition 4 of our monthly update on the latest EU policy and regulatory developments.

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## **The prospect for deep and comprehensive trade agreements with the Commonwealth post Brexit**

27 APR 2018

The UK Government is eager to promote the merits of increased trade with the Commonwealth after Brexit. The Commonwealth

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Heads of Government Meeting ("CHOGM") held in London from 16 - 20 April 2018 was a much needed opportunity to showcase credible post-Brexit trade and investment opportunities with some of the world's most diverse and fast growing economies.

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### **EU Impact - Issue 3**

5 APR 2018

Edition 3 of our monthly update on the latest EU policy and regulatory developments.

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### ***The Cybersecurity Framework: Administration, Congress move to incentivize private-sector cooperation, strengthen federal acquisition process***

12 SEP 2013

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## **EVENTS**

### **Previous**

#### **TopCo liability panel**

25 JUN 2019

London

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## **NEWS**

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### **DLA Piper lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **DLA Piper advises BrewDog on acquisition of iconic Berlin brewery**

6 MAY 2019

DLA Piper has advised BrewDog, a multinational craft brewery and pub chain based in Scotland, on the acquisition of World Bistro & Gardens in Berlin from Stone Brewing, one of the largest craft breweries in the US.

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### **DLA Piper announces partnership promotions for 2018**

3 APR 2018

DLA Piper is proud to announce that 62 lawyers have been promoted to its partnership. The promotions are effective as of 1 April 2018 in the United States and 1 May 2018 for EMEA and Asia Pacific. The promotions were made across many of the firm's

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practice areas in 42 different offices throughout 20 countries.

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